IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1321/2003

HASRAT BANO & ANR. Vs. FAKIR MOHAMMAD & ANR.

DATE: 19.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. B.R. Rana for the petitioners.
Mr. Ashwini Kr. Sharma, P.P. for the State.
None present for the respondent No.1.

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None appeared on behalf of respondent No.1 despite service.

The instant criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioners against the order dated 21.06.2003 passed by the Additional Sessions Judge No.2, Sikar in Criminal Revision No. 65/2003, whereby the Revisional Court rejected the application under Section 125 Cr.P.C. filed by the petitioner and denied maintenance to petitioner No.1 Hasrat Bano, the wife of the respondent No.1 Fakir Mohammad.

The Judicial Magistrate No.2, Sikar vide its order dated 15.05.2002 passed in Case No. 34/2001, while allowing the application of the petitioners moved

under Section 125 Cr.P.C., granted maintenance of Rs. 600/- per month in favour of the petitioner No.1, the wife of the respondent and Rs. 400/- per month in favour of petitioner No.2 Suleman, minor son of the respondent.

Aggrieving and dissatisfying with the said order dated 15.05.2002 passed by the trial Court, the respondent-husband filed a criminal revision before the Additional Sessions Judge No.2, Sikar and the Revisional Court vide its order dated 21.06.2003 while partly allowing the criminal revision filed by the respondent, upheld the order of the trial Court dated 15.05.2002 so far as granting maintenance of Rs. 400/- per month in favour of the petitioner No.2 Suleman, the minor son of the respondent is concerned, but set-aside the order dated 15.05.2002 granting maintenance of Rs. 600/- per month in favour of petitioner No.1 Hasrat Bano, the wife of the respondent.

I have heard learned counsel for the petitioners, learned Public Prosecutor for the State and have also gone through the impugned order dated 21.06.2003 passed by the Revisional Court as well as the order dated 15.05.2002 passed by the trial Court.

The trial Court has considered each and every aspect including the income of the respondent-husband

and has rightly granted maintenance of Rs. 600/- and Rs. 400/- per month in favour of the petitioner Nos.1 and 2, the wife and minor son of the respondent respectively vide its order dated 15.05.2002 and the Revisional Court has committed an error while setting aside the order of the trial Court so far as granting maintenance of Rs. 600- per month in favour of the petitioner-wife is concerned. Therefore, the impugned order of the Revisional Court requires interference by this Court and the same deserves to be quashed and set-aside.

Consequently, the order of the Revisional Court dated 21.06.2003 is herewith quashed and set-aside and the order of the trial Court dated 15.05.2002 is hereby upheld.

The revision petition stands allowed accordingly.

(K.S. RATHORE),J.

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